

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, et al.,

Defendants.

No. 5:23-CV-304-H

**ORDER**

Before the Court is Texas's Advisory to the Court. Dkt. No. 13. The parties have informed the Court that the Final Rule's initial deadline has been extended from March 17, 2024, to March 29, 2024. *Id.* at 1. Further, the plaintiffs have informed the Court that they intend to withdraw their motion for preliminary injunction (Dkt. No. 9) so that the parties might resolve this case solely on cross-motions for summary judgment. Dkt. No. 13 at 1.

Having reviewed the parties' proposed schedule, the Court hereby adopts it. The Court vacates the deadlines set by its prior scheduling order (Dkt. No. 12). The defendants are ordered to file the administrative record, or a notice affirming the record's non-existence, by no later than January 31, 2024. The plaintiffs are ordered to file their motion for summary judgment by no later than February 9, 2024. The defendants are ordered to file their combined response to the plaintiffs' motion, and to file their own cross-motion for summary judgment, by no later than February 20, 2024. The plaintiffs are ordered to file their combined response to the defendants' motion for summary judgment, and their reply in support of their own motion, by no later than February 27, 2024. Finally, the defendants are ordered to file their reply in support of their own motion no later than March 5, 2024.

The Court recognizes that the parties have deferred to the Court about the necessity of a hearing. *See* Dkt. No. 13 at 2. If necessary, the Court will set a hearing at a later date.

So ordered on January 26, 2024.



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JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE